IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 20414 of 2007(S)

PETITIONER-IN-PERSON

K.V.KUMARAN,
CHAIRMAN, SOCIAL DEMOCRATIC PARTY,
ADVOCATE, KERALA HIGH COURT, ROOM NO.5,
3RD FLOOR, EDASSERY BUILDINGS, BANERJI ROAD,
ERNAKULAM, KOCHI-682 031.

BY SRI.K.V.KUMARAN (PARTY-IN-PERSON)

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-1.

2. SHRI. V.S.ACHUTHANANDAN,
THE CHIEF MINISTER OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM-1.

3. SHRI. PINARAYI VIJAYAN,
STATE SECRETARY OF C.P.I.(M), A.K.G.CENTRE,
THIRUVANANTHAPURAM.

4. SHRI. VELIYAM BHARGAVAN,
SECRETARY, COMMUNIST PARTY OF INDIA,
M.N.GOVINDAN NAIR BHAVAN, THIRUVANANTHAPURAM.

5. SHRI.ISMAIL, M.P., ASSISTANT SECRETARY,
COMMUNIST PARTY OF INDIA, M.N.GOVINDAN NAIR BHAVAN,
THIRUVANANTHAPURAM.

6. SHRI.K.SURESH KUMAR, I.A.S.,
SPECIAL OFFICER FOR EVICTION OF ENCROACHERS (ON LEAVE)
MUNNAR P.O.

7. SHRI.RAJU NARAYANA SWAMY,
SPECIAL OFFICER FOR EVICTION OF ENCROACHERS IN-CHARGE AND
DISTRICT COLLECTOR, IDUKKI, MUNNAR P.O.

SENIOR GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P.(C). NO. 20414 OF 2007

Dated this the 4th July, 2007

JUDGMENT

H.L.DATTU, C.J.

Petitioner is an advocate and also the Chairman of Social Democratic Party. He is also a tax payer. The primary relief that he is seeking in his petition is to direct sixth and seventh respondents in the writ petition to go ahead with the eviction of encroachers in the Munnar area ignoring the instructions issued by the Chief Minister of the State or any other authority.

2. The basis for the allegations made in this petition is only newspaper reports. Apart from this, there is no other evidence produced by the petitioner in support of the assertion and allegation in the Writ Petition. In a scenario like this, can we entertain the so-called Public Interest filed by the petitioner. We need not have to make a research to search for an answer for the question we have posed. The Supreme Court in the case of **Kushum Lata** v. **Union of India and others** ((2006) 6 SCC 180), has observed as under:

> "It is also noticed that the petitions are based on newspaper reports without any attempt to verify their authenticity. As observed by this Court in several cases, newspaper reports do not constitute evidence. A petition based on unconfirmed news reports, without verifying their authenticity should not normally be entertained. As noted above, such petitions do not provide any basis for verifying the correctness of statements made and information given in the petition. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as aforestated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts."

3. Precious time of the court is being wasted in dealing with this type of public interest litigation where the allegations are made in the petition solely based on newspaper reports. In our view, filing of this type of litigation should be discouraged as observed by the Supreme Court by rejecting the petitions at the initial stage itself.

4. In view of the above, keeping in view the observations made by the Supreme Court in the aforesaid decision, this petition requires to be rejected and it is rejected. But keeping in view that this petition is filed by a lawyer, we do not intend to impose any costs.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/

H.L.DATTU, C.J. &
K.T.SANKARAN, J.

W.P.(C).NO. 20414 OF 2007S

JUDGMENT

4th July, 2007